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09/974,946	10/09/2001	Michael M. Hsu	12868-007001	7562

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EXAMINER
SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

38

Office Action Summary	Application No.		Applicant(s)	
	09/974,946		HSU ET AL.	
	Examiner		Art Unit	
	Cristina Owen Sherr		3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 13 October 2004.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-34 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-34 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 02/03/05

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the application filed October 13, 2004. Claims 4, 16, 17, 30 and 31 have been amended. Claims 1-34 are pending in this case.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on February 3, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Response to Arguments

3. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillis et al (US 6,028,936) in view of (Wiser et al US 6,385,596).

6. Regarding claim 1 -

Hillis discloses a method for transferring one or more media files from a content server to a media playback device, comprising: receiving a request of one or more media files to be transferred to a particular media playback device, the one or more media files having

associated expiration rules; obtaining information about the particular media playback device; if the media playback device has the capability to enforce the expiration rules, formatting the requested one or more media files such that they can only be rendered by the particular playback device and transferring the formatted files and the expiration rules to the particular media playback device (e.g. col 1 ln 50 – col 2 ln 15).

7. Hillis does not disclose, but Wiser does, determining, based on the information about the particular media playback device, whether the particular media playback device has the capability to enforce the expiration rules associated with the one or more media files (e.g. col 4 ln 10-50).

8. Regarding claim 2 -

Hillis discloses the method of claim 1, wherein the media files further have associated content rights and further comprising: determining, based on the information about the particular media playback device, whether the particular media playback device satisfies the content rights associated with the one or more media files; and if the particular media playback device does not satisfy the content rights, denying transfer of the one or more media files to the particular playback device (e.g. col 9 ln 53 - col 10 ln 28).

9. Regarding claim 3 -

Hillis discloses the method of claim 1, wherein the media files further have associated content rights and further comprising: obtaining information about a user account associated with the particular media playback device, the user account having associated usage rights; determining, based on the information about the user account, whether the

usage rights satisfy the content rights associated with the one or more media files; and if the usage rights do not satisfy the content rights, denying transfer of the one or more media files to the particular playback device (e.g. col 5 ln 29-45).

10. Regarding claim 4 -

Hillis discloses the method of claim 1, wherein the information about the particular media playback device includes a unique device identifier and device capabilities for playing media files (e.g. col 5 ln 29-45).

11. Regarding claim 5 -

Hillis discloses the method of claim 1, further comprising: generating a current time stamp; and transferring the current time stamp to a secure location on the media playback device (e.g. col 6 ln 5-10).

12. Regarding claim 6 -

Hillis discloses the method of claim 1, wherein the expiration rules include a maximum number of playbacks for the one or more media files (e.g. col 5 ln 16-24).

13. Regarding claim 7 -

Wiser discloses a method wherein the expiration rules include a relative expiration time for the one or more media files (e.g. col 3 ln 56 - col 4 ln 32).

14. Regarding claim 8 -

Wiser discloses a method wherein the expiration rules include an absolute expiration time for the one or more media files (e.g. col 4 ln 1-9).

15. It would be obvious to one of ordinary skill in the art to combine the teachings of Hillis and Wiser in order to obtain a more economical and user-friendly form of security for digital data.

16. Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillis et al (US 6,028,936) in view of Wiser et al (US 6,385,596).

17. Regarding claim 9 -

Hillis discloses a method for updating expiration rules for media files to be played on a media playback device, comprising: receiving a request for updating expiration rules for one or more media files; obtaining information about a particular media playback device; obtaining current expiration rules for the one or more media files for which an update has been requested; if the current expiration rules can be updated, transferring new expiration rules from a content server to the particular media playback device; if the current expiration rules cannot be updated, requesting a user of the particular media playback device to perform an action before the current expiration rules can be updated; and if the user performs the requested action, transferring new expiration rules from the content server to the particular media playback device (e.g. col 1 ln 50 – col 2 ln 15).

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18. Hillis does not disclose, but Wiser does, comparing the current expiration rules with expiration rules stored on the content server for the one or more media files to determine if the current expiration rules can be updated (e.g. col 4 ln 10-50).

19. Regarding claim 10 -

Hillis discloses the method of claim 9, wherein the information about the particular media playback device includes a unique device identifier and device capabilities for playing media files (e.g. col 6 ln 53 - col 7 ln 28).

20. Regarding claim 11 -

Hillis discloses the method of claim 9, wherein transferring new expiration rules from the content server comprises: transferring the new expiration to a communication module that is operable to communicate with the playback device; and transferring the new expiration rules from the communication module to the playback device (e.g. col 5 ln 29-45).

21. Regarding claim 12 -

Hillis discloses the method of claim 9, wherein the current expiration rules include a maximum number of playbacks for the one or more media files (e.g. col 5 ln 16-24).

22. Regarding claim 13 -

Hillis discloses the method of claim 9, wherein the current expiration rules include a relative expiration time for the one or more media files (e.g. col 5 ln 16-24).

23. Regarding claim 14 -

Wiser discloses a method wherein the current expiration rules include an absolute expiration time for the one or more media files (e.g. col 3 ln 56 - col 4 ln 32).

24. Regarding claim 15 -

Wiser discloses a method wherein updating the current expiration rules comprises: generating a current time stamp; and transferring the current time stamp to a secure location on the media playback device (e.g. col 4 ln 1-9).

25. It would be obvious to one of ordinary skill in the art to combine the teachings of Hillis and Wiser in order to obtain a more economical and user-friendly form of security for digital data.

26. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillis et al (US 6,028,936) in view of Wiser et al (US 6,385,596).

27. Regarding claim 16 -

Hillis discloses a method for playing a media file on a playback device, comprising: receiving a user request to play the media file, the media file having one or more associated expiration rules; validating a storage medium on the particular playback device; reading the one or more expiration rules associated with the requested media file; determining, based on the one or more expiration rules, if the media file has expired; and if the media file has not expired, playing the media file to the user (e.g. col 1 ln 50 - col 2 ln 15).

28. Hillis does not disclose, but Wiser does, if the media file has expired, refusing to play the media file until one or more new expiration rules have been obtained (e.g. col 4 In 10-50).

29. Regarding claim 17 -

Hillis discloses the method of claim 16, wherein validating comprises: calculating a hash value for a file on the storage medium; and comparing the hash value to a value stored in a protected storage area of the particular playback device (e.g. col 9 In 53 - col 10 In 28).

30. Regarding claim 18 -

Hillis discloses the method of claim 16, wherein determining comprises: determining if a maximum number of playbacks for the media file has been reached (e.g. col 10 In 20-45).

31. Regarding claim 19 -

Wiser discloses a method wherein determining comprises: determining if a relative expiration time for the one or more media files has passed (e.g. col 3 In 56 - col 4 In 32).

32. Regarding claim 20 -

Wiser discloses a method wherein determining comprises: determining if an absolute expiration time for the one or more media files has passed (e.g. col 4 In 1-9).

33. It would be obvious to one of ordinary skill in the art to combine the teachings of Hillis and Wiser in order to obtain a more economical and user-friendly form of security for digital data.

34. Claims 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillis et al (US 6,028,936) in view of Wiser et al (US 6,385,596).

35. Regarding claim 21 -

Hillis discloses a content server for transferring media files to a playback device, comprising: means for receiving a request of one or more media files to be transferred to a particular media playback device, the one or more media files having associated expiration rules; means for obtaining information about the particular media playback device; means for formatting the requested one or more media files such that they can only be rendered by the particular playback device and transferring the formatted files and the expiration rules to the particular media playback device, if the media playback device has the capability to enforce the expiration rules (e.g. col 1 ln 50 – col 2 ln 15).

36. Hillis does not disclose, but Wiser does, means for determining, based on the information about the particular media playback device, whether the particular media playback device has the capability to enforce the expiration rules associated with the one or more media files (e.g. col 4 ln 10-50).

37. Regarding claim 22 -

Hillis discloses the content server of claim 21 wherein the media files further have associated content rights and further comprising: means for determining, based on the information about the particular media playback device, whether the particular media playback device satisfies the content rights associated with the one or more media files; and means for denying transfer of the one or more media files to the particular playback device if the particular media playback device does not satisfy the content rights (e.g. 5 In 53 - col 6 In 28).

38. Regarding claim 23 -

Hillis discloses the content server of claim 21, wherein the media files further have associated content rights and further comprising: means for obtaining information about a user account associated with the particular media playback device, the user account having associated usage rights; means for determining, based on the information about the user account, whether the 10 usage rights satisfy the content rights associated with the one or more media files; and means for denying transfer of the one or more media files to the particular playback device if the usage rights do not satisfy the content rights (e.g. col 50 In 20-45).

39. Regarding claim 24 -

Hillis discloses the content server of claim 21, wherein the information about the particular media playback device includes a unique device identifier and device capabilities for playing media files (e.g. col 8 In 20-45).

40. Regarding claim 25 -

Hillis discloses the content server of claim 21, further comprising: generating a current time stamp; and transferring the current time stamp to a secure location on the media playback device (e.g. col 13 ln 5-10).

41. Regarding claim 26 -

Wiser discloses a content server wherein the expiration rules include a maximum number of playbacks for the one or more media files (e.g. col 3 ln 50 - col 4 ln 30).

42. Regarding claim 27 -

Wiser discloses a content server wherein the expiration rules include a relative expiration time for the one or more media files (e.g. col 4 ln 1-10).

43. Regarding claim 28 -

Wiser discloses the content server of claim 21, wherein the expiration rules include an absolute expiration time for the one or more media files (col 4 ln 1-10).

44. Regarding claim 29 -

Wiser discloses a content server further comprising: means for receiving a request for updating expiration rules for one or more media files; means for obtaining information about a particular media playback device; means for obtaining current expiration rules for the one or more media files for which an update has been requested; means for comparing the current expiration rules with expiration rules stored on the content server for the one or more media files to determine if the current expiration rules can be updated; means for transferring new expiration rules from a content server to the particular media playback

device if the current expiration rules can be updated; means for requesting a user of the particular media playback device to perform an action before the current expiration rules can be updated if the current expiration rules cannot be updated; and means for transferring new expiration rules from the content server to the particular media playback device if the user performs the requested action (e.g. col 3 ln 50 - col 4 ln 30).

45. It would be obvious to one of ordinary skill in the art to combine the teachings of Hillis and Wiser in order to obtain a more economical and user-friendly form of security for digital data.

46. Claims 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillis et al (US 6,028,936) in view of Wiser et al (US 6,385,596).

47. Regarding claim 30 -

Hillis discloses a playback device for playing media files, comprising: means for receiving a user request to play the media file, the media file having one or more associated expiration rules; means for reading the one or more expiration rules associated with the requested media file; means for determining, based on the one or more expiration rules, if the media file has expired; means for refusing playback of the media file until one or more new expiration rules have been obtained if the media file has expired; and means for playing the media file to the user if the media file has not expired (e.g. col 1 ln 50 – col 2 ln 15).

48. Hillis does not disclose, but Wiser does, means for validating a storage medium on the particular playback device (e.g. col 4 ln 10-50).

49. Regarding claim 31 -

Wiser discloses the playback device of claim 30, wherein the means for validating comprises: a means for obtaining from the storage medium a hash value for a file stored on the storage medium; and a means for comparing the obtained hash value with a value stored in a protected storage area of the particular playback device (e.g. col 6 ln 3-40).

50. Regarding claim 32 -

Wiser discloses the playback device of claim 30, wherein the means for determining comprises: means for determining if a maximum number of playbacks for the media file has been reached (e.g. col 5 ln 29-45).

51. Regarding claim 33 -

Wiser discloses the playback device of claim 30, wherein the means for determining comprises: means for determining if a relative expiration time for the one or more media ,has passed (e.g. col 5 ln 29-45).

52. Regarding claim 34 -

Wiser discloses the playback device of claim 30, wherein the means for determining comprises: means for determining if an absolute expiration time for the one or more media files has passed (e.g. col 3 ln 50 - col 4 ln 30).

53. It would be obvious to one of ordinary skill in the art to combine the teachings of Hillis and Wiser in order to obtain a more economical and user-friendly form of security for digital data.

54. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

55. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

56. Rabin et al (US 6,697,948131) discloses methods and apparatus for protecting information.

57. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

58. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

59. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOHN W. HAYES
PRIMARY EXAMINER